

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JERALD D. RAMCZYK,

Plaintiff,

v.

Case No. 06-C-166

**MICHAEL GIESE, Administrator,
Waukesha County Jail,**

Defendant.

ORDER

Plaintiff Jerald D. Ramczyk ("Ramczyk"), who is proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Pursuant to the Prison Litigation Reform Act (PLRA), Ramczyk is required to pay the statutory filing fee of \$250.00 for this action. See 28 U.S.C. § 1915(b)(1).

By order dated March 2, 2006, Ramczyk was given 21 days to forward to the clerk of court the sum of \$3.77 as an initial partial filing fee in this action. Ramczyk was advised that, upon payment of this fee, the Court would determine whether his action could proceed in forma pauperis. To date, no partial filing fee has been paid in this action. From this failure to pay the initial filing fee, the Court infers that Ramczyk no longer wants to prosecute his action. Therefore, the Court will dismiss this case without prejudice.

NOW, THEREFORE, IT IS ORDERED that this action be and hereby is dismissed without prejudice for failure to prosecute.

IT IS FURTHER ORDERED that this dismissal will not be counted as a "strike" under 28 U.S.C. § 1915(g).

IT IS ALSO ORDERED that copies of this order be sent to the warden of the institution where Ramczyk is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin, this 6th day of April, 2006.

BY THE COURT:

s/ Rudolph T. Randa

HON. RUDOLPH T. RANDA

Chief Judge